IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6843 OF 2005

Ravikant Anandrao Patil ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Harshad E. Palwe for the Applicant.
Shri K. V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 24, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. Offence alleged against the Applicant is under sections 376 and 366 of the Indian Penal Code. Admittedly, investigation has been completed and chargesheet has been filed.

2. The Advocate appearing for the Applicant submitted that even from the statement of the prosecutrix, a clear case of consent has been reflected. He pointed out that the complaint has been belatedly filed. The learned A.P.P. submitted that the Applicant is a policeman and considering the material on record, the Applicant should not be enlarged on bail.

3. Considering the statement of the prosecutrix, it appears that the incident is of August 2004.

According to the prosecutrix, she was taken to a lodge by the Applicant. The statement of the prosecutrix discloses that there was no resistance on her part. The age of the prosecutrix on the date of the incident appears to be more than seventeen years. Moreover, the F.I.R. has been lodged on 10th May, 2005. The only explanation for delay in the F.I.R is that the Applicant had promised to marry the prosecutrix.

4. Considering the facts peculiar to the case of the Applicant, a case is made out for enlarging the Applicant on bail subject to stringent conditions.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.I-79 of 2005 registered with Central Police Station, Ulhasnagar-3, District Thane,** subject to furnishing a personal bond of **Rs.25,000/-** with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that till the conclusion of trial, the Applicant will not enter the area falling within the limits of Ambarnath

Municipal Council.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution wittiness and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE